IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.5133 OF 2004

Baburao Tukaram Pawar ... Petitioner
vs
Smt Jijabai Tukaram Bhuyal ... Respondent
..
Mr.M.R.Katikar for Petitioner
Ms V.Mhaispurkar for Respondent

CORAM : D.G.KARNIK, J
DATE: 28TH JULY, 2004.

P.C.

1. Heard learned counsel for the petitioner.

2. The application made by the petitioner in the appellate Court for production of additional evidence was rejected on the ground that evidence could have been adduced by the petitioner in the trial Court and secondly on the ground that in the absence of proper pleadings additional evidence could not have been allowed.

3. Learned counsel therefore seeks leave to withdraw the present petition with liberty to apply for amendment of the written statement. If an application for amendment of the written statement is made by the petitioner in the appellate Court, the same shall be considered by the appellate Court on its own merits. Subject to this clarification, request made by learned counsel for withdrawal of the petition is granted. Ad interim order passed by this Court earlier shall continue for three weeks.

4. Authenticated copy allowed.

D.G.KARNIK, J